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Attorney for Glenio Silva

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-07-00678-JSW
Plaintiff,)	
)	DECLARATION OF STEVEN F. GRUEL IN
Vs.)	SUPPORT OF DEFENDANT GLENIO
)	SILVA'S REPLY TO GOVERNMENT
GLENIO JESUA FERREIRA SILVA,)	OPPOSITIONS
Defendant.)	Hearing: August 21, 2008 @ 2:30 p.m.
)	
)	
)	
)	
)	

I, STEVEN F. GRUEL, declare as follows:

1. I make this declaration in support of defendant Glenio Silva's Reply to the Government Oppositions.

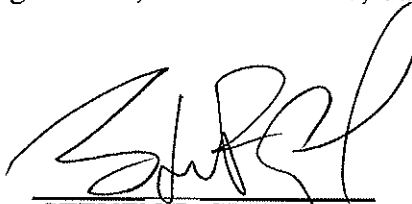
2. Attached hereto as Exhibit A are articles I printed off the internet from the website SFGATE. These are articles appeared in the *San Francisco Chronicle* on August 3, 2008; July 20, 2008, July 16, 2008 and July 1, 2008.

I declare under penalty of perjury that the foregoing is true and correct to the best of my

DECLARATION OF STEVEN F. GRUEL IN SUPPORT OF GLENIO SILVA'S MOTION TO SUPPRESS STATEMENTS

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2 personal knowledge.
3

4 Executed this 6^h day of August 2008, at San Francisco, California.
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8 STEVEN F. GRUEL
9 Attorney for Glenio Silva
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S.F. fund aids teen felons who are illegals

Jaxon Van Derbeken, Chronicle Staff Writer
Sunday, August 3, 2008

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As San Francisco's juvenile justice system shielded young illegal immigrant felons from possible deportation, Mayor Gavin Newsom's office gave grants totaling more than \$650,000 to nonprofit agencies to provide the underage offenders with free services - everything from immigration attorneys to housing assistance to "arts and cultural affirmation activities," city records show.

Newsom has said the city began its policy of not referring young immigrant offenders to federal authorities for deportation under previous mayors, and that he reversed the practice after he became aware of it this year. However, in 2006, the Mayor's Office of Criminal Justice - a community outreach arm of Newsom's office - created a grant program specifically designed to assist, rather than deport, "undocumented, unaccompanied and monolingual" immigrants who were in the custody of the city's Juvenile Probation Department or on juvenile probation, according to city documents.

The city provided \$467,000 to three nonprofit agencies under the grant program from mid-2006 and mid-2008, records show, and another \$200,000 was approved for two of the agencies for this budget year.

Newsom's office created the program, in part, to deal with an influx of Central American youths being housed on drug charges at San Francisco's juvenile hall, according to those familiar with the grant. Crowding at juvenile hall had led to protests among youth advocate groups.

"A key goal of this project is to assist these individuals to successfully navigate the juvenile justice system and achieve stability within the community setting," according to a 2006 invitation issued by Newsom's office for agencies to bid for grant money.

The grant language said the youths "require extensive support" to overcome "multiple complex barriers" in the justice system.

Money for the effort came from the pot of discretionary funding that the mayor's office receives each year as part of the city budget.

'Proud tradition'

Exhibit A



Building Strength and Muscle without Illegal Substances



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S.F. Shielding Immigrants

S.F. fund aids teen felons who are illegals (8/2)

Triple-slay suspect appears in court (7/23)

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Slaying suspect once found sanctuary in S.F. (7/20)

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Alleged crack dealer arrested (7/04)

Officials: Expect surge of detainees at juvie hall (7/04)

Editorial: No sanctuary for drug dealers (7/03)

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The goal of the grant program, according to the request for bids, was to further the city's "proud tradition as a haven for immigrants."

In addition to immigration attorneys, Newsom's office envisioned the program helping young felons obtain housing, food, clothing, educational and vocational training, English-language instruction, medical care and mental health assessments.

The program would also provide "spiritual, cultural enrichment and recreation activities."

Joseph Russoniello, the U.S. attorney for the northern district of California and a critic of San Francisco's past policy of not turning over undocumented juvenile immigrant felons for deportation, said the mayor's office was funding programs that might be violating federal law.

"What it means to me," he said, "is they took the concept of **sanctuary**, and they applied it in a way that it is as close to harboring as I've ever seen."

Federal law bars people from knowingly harboring undocumented immigrants. Russoniello said the city grant program relied on young immigrant offenders staying in the juvenile justice system, away from federal authorities who might want to deport them.

"Then, they accommodate them by providing all these services to continue their unlawful status," he said. "The city, in this case, is using taxpayer dollars to basically endear itself to activist groups that need funding for their activities."

When the program was created in 2006, the head of the Mayor's Office of Criminal Justice was Allen Nance. He is now the No. 2 official in the Juvenile Probation Department, which is responsible for housing underage offenders and advising Juvenile Court justices on how their cases should be handled.

In an interview, Nance denied that providing services to juvenile illegal immigrant offenders was helping to shield them from deportation.

"That was simply not what the grant was," he said.

He said some of the youths were victims of abuse, abandonment or neglect, were seeking legal status refuge in the United States and should be able to do that through the immigration courts. That was the reason for providing them with legal help, he said.

Crime-fighting tool

Nance said the effort was also part of a "local action plan" to reduce juvenile crime. "We needed to work to correct those problems involving juvenile delinquency," he said. "We needed to find ways to intervene early on."

Nance said the idea was to help immigrant youths who couldn't speak English, weren't living with parents and were committing crimes, to find "services to deal with the challenges they were facing."

"All kids face, as adolescents, making bad decisions at times," Nance said. "The goal of the program was ... to correct any signs of delinquent behavior and afford youth an opportunity to continue to live a crime-free life, which is our expectation of any youth."

Kevin Ryan, Russoniello's predecessor at the U.S. attorney's office and now the head of the Mayor's Office of Criminal Justice, declined to respond to Russoniello's suggestion that the city was violating federal law.

"I'm taking a look at this," he said, "and not going to comment on any particular accusation. I'm aware of the harboring statute. I'm just taking a look at it."

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"If the law is not being followed, we will fix the problem," said Nathan Ballard, Newsom's spokesman, adding that the mayor has told Ryan to conduct a "top to bottom" review of the city's **sanctuary** policies and practices.

Ryan said he will decide "whether we should change our practices going forward."

The grant proposal was suggested by David Onek, then the second-in-command of the Mayor's Office of Criminal Justice. Newsom recently named him to the Police Commission.

From 1999 to 2002, before joining the mayor's office, Onek was a staff attorney for Legal Services for Children - one of the agencies that the mayor's office later selected to receive grant money. The nonprofit took in more than \$164,000 in city money from 2006 to 2008 to help illegal immigrants in the juvenile justice system, city records show.

Onek declined to comment last week, noting that he no longer works for the mayor's office.

Legal aid for migrant kids

Legal Services for Children advised a total of 52 youths in San Francisco's juvenile justice system about their immigration status and legal rights, said the center's executive director, Shannan Wilber.

Wilber said that of the 52 immigrants, 25 were ultimately provided immigration attorneys free of charge. Of those, seven have obtained legal status in the United States, seven dropped out of the program and the immigration cases for 11 are still pending, she said.

Wilber said the offenders' efforts to seek legal status in immigration court would be jeopardized if they were forced into detention hearings, where the burden is on them to show why they should not be deported.

She said the juveniles also need legal help in the immigration court system, because many of them have been brought to this country by drug traffickers they are reluctant to identify for fear of retaliation.

Another agency that received funding from the mayor's office, Mission Neighborhood Centers, used the \$150,000 it received from 2006 to 2008 for what it described as "case intervention" for immigrant felons being held at juvenile hall.

"These youth need assistance in housing, education, job placement and immigration status," the group said in its grant statement. It said it would locate eligible offenders through "street outreach" and work with the public defender's office.

The staffer listed as the contact on the group's grant application, Tracy Gallardo-Brown, now works as a community builder for the city's Department of Children, Youth and Their Families. She did not return calls seeking comment.

Santiago Ruiz, executive director of Mission Neighborhood Centers, said he expects an additional \$100,000 from the Mayor's Office of Community Investment, formerly the Office of Community Development, this year under the grant. He said his group has been working to get high school equivalency diplomas for former gang members as well as immigrants.

"They are at-risk individuals - most likely they are recent immigrants," Ruiz said. "Whether they are here legally, we are not even supposed to ask. The idea is not to discourage people immediately about their status."

He said the agency does not help youths convicted of violent crimes. "These are behavioral issues that are beyond our ability to provide services," Ruiz said.

Another grant recipient, the Mission-based Instituto Familiar de la Raza, obtained \$143,000 over two years and is due for another \$100,000 this year. The group's director, Estela Garcia, did not return calls seeking comment.

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Range of activities

According to its grant statement, the agency uses the money for a case management program for immigrant youths in the juvenile justice system to provide "a wide range of activities including informational workshops, assistance with accessing referrals to educational and vocational placement, immigration information and mental health services."

"Youth receiving services have the opportunity to enroll into our arts and cultural affirmation activities," the group said.

The grant program was not without controversy, even among other nonprofits. When the mayor's office started the effort, a coalition of 20 nonprofit agencies called the Juvenile Justice Providers Association filed a request with the mayor's office to review the bidding process, said Jessica Hazard al-Tawqi, then the head of the coalition.

Al-Tawqi, who now works as a program officer for the Department of Children, Youth and Their Families, would not say what her concerns had been, other than they were not about the goals of the program. "It was a lot of money," she said, "for a lot of services."

Newsom's office has renewed the grant program for another year, but with a twist.

In June, the city awarded Mission Neighborhood Centers and Instituto Familiar de la Raza \$100,000 each to continue the efforts they began in 2006. However, in the grant program's title, Newsom's office has removed the reference to "undocumented" immigrants.

-- To read past Chronicle coverage of the immigrant **sanctuary** program and policies - and the impact in San Francisco - go to sfgate.com/ZEKC

Story so far

How San Francisco came to protect juvenile undocumented immigrant felons from possible deportation, and recent steps the city has taken.

Sanctuary city In 1985, Mayor Dianne Feinstein signed legislation passed by the Board of Supervisors that designated San Francisco as a **sanctuary** city for immigrants seeking asylum from El Salvador and Guatemala, whose right-wing governments were backed by the Reagan administration. Four years later, the city extended the policy to all immigrants and indicated that the city could not use its resources or funds to assist federal immigration law enforcement, except when required by federal law.

In 1992 and 1993, the legislation was altered to allow law enforcement to report felony arrests of suspected undocumented immigrants to federal authorities. In 1994, the city attorney said juveniles booked on felony charges were not exempt from being reported.

Sometime in the 1990s, San Francisco officials began interpreting the ordinance along with state juvenile law as preventing them from referring undocumented immigrants in the juvenile justice system to federal authorities for deportation. Advocates say they reached an informal agreement with federal officials in 1996, but federal officials dispute that.

Free flights Rather than send juvenile offenders through the deportation system, which could result in their being legally barred from ever returning to the United States, juvenile probation officials flew some immigrant youths directly to their homeland. Mayor Gavin Newsom has estimated that such flights cost the city nearly \$39,000 since mid-2006.

Feds find out Federal immigration authorities in Houston stopped one of the flights in December, seized two underage drug dealers being taken to Honduras and questioned the San Francisco juvenile probation officer who was accompanying them. Federal authorities then met with city juvenile justice officials, but the two sides' accounts of what was said vary. Federal officials say they insisted that the flights were illegal, while the city's juvenile probation chief says there were simply questions raised about the legality.

In May, another flight was stopped in Houston, and this time federal authorities detained a San Francisco juvenile probation officer for several hours. Newsom says he ordered the flights stopped at this time.

Group homes Still not wanting to turn over undocumented immigrant offenders for deportation, juvenile justice officials started sending young drug dealers in May to group homes hundreds of miles from S.F. Twelve of the 13 offenders sent to the unlocked homes escaped, and 10 are still at large. Newsom ordered the practice halted last month.

S.F. shifts gears In July, City Attorney Dennis Herrera said that nothing in the **sanctuary** city law prevents the city from turning over undocumented immigrant juveniles who commit felonies to federal immigration authorities. Newsom said the city would start cooperating with the Immigration and Customs Enforcement agency; ICE officials say 38 underage felons have since been referred to them.

Edwin Ramos As the city began changing its policies, The Chronicle reported that Ramos, accused of killing three members of a family on an Excelsior district street June 22, was an undocumented immigrant from El Salvador who had twice been in San Francisco's juvenile justice system but had never been referred to federal authorities.

E-mail Jaxon Van Derbeken at jvanderbeken@sfgchronicle.com.

This article appeared on page A - 1 of the San Francisco Chronicle



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Slaying suspect once found sanctuary in S.F.

Jaxon Van Derbeken, Chronicle Staff Writer
Sunday, July 20, 2008

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The man charged with killing a father and two sons on a San Francisco street last month was one of the youths who benefited from the city's long-standing practice of shielding illegal immigrant juveniles who committed felonies from possible deportation, The Chronicle has learned.

Edwin Ramos, now 21, is being held on three counts of murder in the June 22 deaths of Tony Bologna, 48, and his sons Michael, 20, and Matthew, 16. They were shot near their home in the Excelsior district when Tony Bologna, driving home from a family picnic, briefly blocked the gunman's car from completing a left turn down a narrow street, police say.

Ramos, a native of El Salvador whom prosecutors say is a member of a violent street gang, was found guilty of two felonies as a juvenile - a gang-related assault on a Muni passenger and the attempted robbery of a pregnant woman - according to authorities familiar with his background.

In neither instance did officials with the city's Juvenile Probation Department alert federal immigration authorities, because it was the city agency's policy not to consider immigration status when deciding how to deal with an offender. Had city officials investigated, they would have found that Ramos lacked legal status to remain in the United States.

Federal authorities, however, also missed an opportunity to take Ramos into custody just this past March - after they had learned of his immigration status and started deportation proceedings, and after Ramos was arrested in San Francisco on a gun charge. For reasons the federal agents cannot explain, they did not put an immigration hold on Ramos.

Raised in El Salvador

Juvenile justice authorities locally had a policy for at least a decade of not turning over illegal immigrant felons to the federal government, interpreting San Francisco's self-proclaimed sanctuary-city status and state law as barring local officials from surrendering them for deportation.

Mayor Gavin Newsom rescinded that policy earlier this month after The Chronicle reported that the city had flown a number of youths out of the country on its own, in possible



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violation of federal law, and then housed some in unlocked group homes from which they quickly escaped.

Ramos came to the United States at age 13 from El Salvador, where he had been raised by his grandmother.

Authorities familiar with his background said Ramos wanted to be near his mother, who had abandoned him when he was 4 months old; she was living with two of her other children in San Francisco.

According to records, his first contact with San Francisco police came Oct. 22, 2003, when officers were summoned to investigate an attack on a Muni bus at 21st and Mission streets.

Ramos, who had just turned 17, had allegedly flashed gang signs and banged on the bus' windows with two other gang members. The three then yelled, "Who are you with?" at a passenger, who responded that he did not belong to a gang, police said.

At that point, Ramos and the other two boarded the bus and beat and kicked the man, an attack that was recorded by the bus' video camera, authorities said.

Ramos was taken to juvenile hall on charges of assault and participating in a street gang. He was later convicted in juvenile court and was put in a shelter.

At that point, under federal law, Ramos could have been referred to the Immigration and Customs Enforcement agency. But the Juvenile Probation Department's policy for dealing with offenders stipulated that "probation officers shall not discriminate in any fashion against minors based on their immigration status." If the department made any inquiries into whether Ramos was a legal U.S. resident, it did not pass along its findings to the federal government.

New crime within days

On April 2, 2004, Ramos was released to the custody of his mother, but was still considered a ward of the court and was on probation. Just four days later, records show, he committed another crime at 19th and Mission streets, two blocks from the site of the attack on the Muni passenger.

Records indicate that Ramos and two other men approached a pregnant woman from behind during the middle of the day, and that Ramos tried to yank away her backpack-style purse.

The woman's brother was walking alongside and tried to stop the attack. He pushed Ramos away, he later said, but Ramos punched him and fled.

The man found a police officer and pointed out Ramos nearby. A month later, Ramos was convicted as a juvenile of attempted robbery, a felony, but cleared of assault.

Ramos was sent to Log Cabin Ranch, a city-run camp in the hills of the Peninsula, in June 2004. He was freed in February 2005, this time to live with his mother's sister.

Federal authorities finally learned that Ramos wasn't a legal U.S. resident sometime after he turned 18, when he applied for temporary residency status and was turned down. The records are confidential, so the exact date of Ramos' application is unclear, but ICE spokeswoman Virginia Kice said that once he was turned down, he would have been considered deportable.

By that time, however, Ramos had married a woman who is a U.S. citizen and applied again to immigration officials to stay in the United States, this time as a permanent resident. That request was pending at the time Tony Bologna and his sons were shot to death.

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In March, three months before the killings, Ramos was arrested in San Francisco after police pulled him over because his car had illegally tinted windows and no front license plate. An alleged gang member in the car tried to discard a gun, but police recovered it and later concluded that it had been used in a double killing, authorities said.

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The police report of the incident cited "numerous documented contacts" that officers had with Ramos and the man who allegedly discarded the gun, and said both were active members of the Mara Salvatrucha (MS-13) street gang.

San Francisco prosecutors, however, declined to file charges against Ramos, saying they couldn't prove that he knew his companion had the gun.

When Ramos was arrested, sheriff's deputies checked his immigration status on a national database and learned that he was considered deportable, immigration and sheriff's officials say. Eileen Hirst, chief of staff for Sheriff Michael Hennessey, said deputies had asked whether federal officials wanted to place a hold on Ramos so he could be taken into immigration custody.

"In our communication with ICE, they specifically told us they were not placing a detainer on him," Hirst said. "We cannot hold people in custody without a documented reason to hold them."

Kice acknowledged that federal authorities had not asked for Ramos to be held. She said she did not know why.

City now referring offenders

Since Newsom announced the city's policy shift, San Francisco has referred at least 10 juvenile offenders to ICE for possible deportation proceedings.

In an interview Friday, Newsom declined to comment on Ramos' history in San Francisco's juvenile justice system, saying it would be wildly inappropriate to do so given the confidentiality of juvenile criminal records.

Newsom's juvenile probation director, William Siffermann, inherited his agency's policy of not turning over illegal immigrant juveniles for deportation when he took the job in early 2005. All of Ramos' contacts with the city's juvenile justice system took place before Siffermann came on board.

Siffermann said in an interview, "I am not going to confirm any of his prior dealings with our department. I can't comment on what the implications were for our department when that decision was made. That is part of what we're reviewing."

Ramos' lawyer in the triple-murder case, Robert Amparan, did not address the issue of Ramos' immigration status, saying only that there were several people who would vouch for his client's character and good work in the community.

"I've gotten several calls from community workers, educators and city service providers who know and work with Edwin," Amparan said. "They all expressed support and say they had never known him to be involved in anything like the allegations against him."

What might not have been

Joseph Russoniello, the U.S. attorney for Northern California, said he welcomed the city's re-examination of its policies related to how it handles illegal immigrant youths who commit felonies.

"A formula has to be found that accommodates the public's right to be safe and the juvenile's need to be protected, in many cases, from themselves," Russoniello said. "It is something that cries out for more attention than we're giving it."

As for the killings of the Bolognas, Russoniello said, "Is this something that could have been prevented? I don't know."

Danielle Bologna, however, said that if the government had done its job, the killings of her husband and two sons "would never have happened."

"It was senseless," she said. "And to think they didn't deport him back, knowing that he did not have papers and he was here illegally, it is a big issue."

"They need to take responsibility, the city," Bologna said. "They didn't do anything. ... He should have been deported. This is huge. I'm extremely angry about this."

E-mail Jaxon Van Derbeken at jvanderbeken@sfgate.com.

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San Francisco: Sanctuary City Gone Awry

Cinnamon Stillwell

Wednesday, July 16, 2008



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San Francisco's political establishment has long prided itself on providing a haven for illegal immigrants. Mayor Gavin Newsom even launched a taxpayer-funded \$83,000 "public awareness campaign" earlier this year assuring illegal immigrants that the "sanctuary city" by the bay was in their court.

And indeed it is. Under the city's 1989 voter-approved **sanctuary** ordinance, police officers and other city employees are prohibited from inquiring into immigration status. In addition, the city will not direct municipal funds or employees towards assisting federal immigration enforcement, unless such assistance is required by federal or state law or a warrant.

No doubt such protections warm the heart of the city's liberal leadership. But San Francisco's status as a **sanctuary** city is having unintended consequences.

The brutal and senseless murder last month of Tony Bologna and his sons Michael, 20, and Matthew, 16, at the hands of Edwin Ramos, a native of El Salvador and known member of the Mara Salvatrucha (MS-13) street gang, was a reminder that inviting illegal activity can turn deadly. The Bolognas were on their way back from a family picnic when they inadvertently blocked Ramos' car from making a left turn in the Excelsior district. When Bologna politely backed up to let the other car past, Ramos responded by opening fire and killing all three passengers. Ramos has been charged with three counts of murder, with the added penalty of street-gang involvement.

So far, much of the outcry surrounding the case has centered on San Francisco district attorney Kamala Harris' policy of not seeking the death penalty, in this case, against the wishes of widow, Danielle Bologna. But in the process, Ramos' immigration status has largely been overlooked. Ramos' original lawyer, Joseph O'Sullivan, claimed that his client was in the country legally and applying for permanent residence, but federal immigration authorities insist otherwise and promise to deport Ramos if he is convicted. O'Sullivan has since asked to be removed from the case, claiming a connection via a previous client. Thus, he has never had to explain his assertions regarding Ramos' immigration status.

This certainly wasn't Ramos' first brush with the law. He was booked both on felony weapons charges and for being a member of a criminal street gang earlier this year, but escaped prosecution for lack of evidence. However, as reported by the San Francisco Chronicle, the San Francisco Police Department "cited 'numerous documented contacts' that officers had with Ramos and [his companion] Lopez, and said both were active members of the MS-13 street gang." But thanks to San Francisco's **sanctuary** city status, instead of being reported to federal immigration authorities and deported, Ramos was allowed continue to roam the streets of San Francisco until his arrest for the Bologna killings.

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San Francisco's **sanctuary** policy has also taken a statewide toll. While adult illegal immigrant felons are not protected by the ordinance, no such stipulation exists for juvenile offenders, and city officials have used that loophole to dump the problem onto other counties. Earlier this month, San Bernardino County officials threatened to sue the city of San Francisco for sending a group of Honduran, illegal immigrant, juvenile crack dealers to group homes in the city of Yucaipa without notification. Eight of them simply walked away from the unsecured group homes and only one has been recaptured. Officials later acknowledged that this wasn't the first time San Francisco had unloaded criminal illegal immigrants onto San Bernardino County. In fact, Yucaipa has seen a rise in violent crime in accordance with the influx of foreign offenders to its group homes in recent years.

This time around, the outcry from San Bernardino officials caused Mayor Newsom to alter the city's approach to juvenile offenders. No doubt, Newsom's interest in running for governor of California, which he announced just before the controversy erupted, influenced his decision. While Newsom may find a sympathetic audience in San Francisco to his former commitment to **sanctuary** protections for illegal immigrants, it could prove a liability on the statewide level.

Even on a local level, there's some indication that people are getting fed up with the city's insistence on emphasizing ideology over public safety. In a local CBS poll, 79 percent of respondents agreed that San Francisco should "turn over convicted illegal immigrants for deportation."

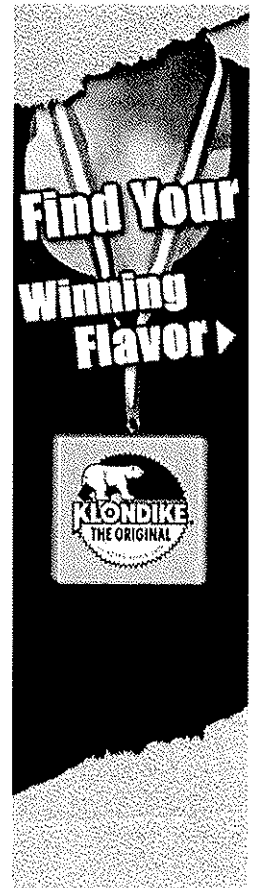
Monetary concerns are another factor. It doesn't help that Mayor Newsom and other officials bemoan the city's \$338 million budget deficit, even as funds continue to pour into sustaining San Francisco's **sanctuary** city policies. San Francisco has spent millions of dollars housing juvenile, illegal immigrant offenders and hundreds of thousands of dollars flying them back to their countries of origin in recent years, instead of turning them over to federal immigration authorities as federal law requires. In the wake of the furor over the Honduran case and federal authorities' demand that San Francisco end the flights, the city started housing some of the dealers in youth rehabilitation centers, costing taxpayers \$7,000 per month, per person.

Then there's San Francisco Supervisor and State Assembly candidate Tom Ammiano's brilliant plan to provide municipal identification cards to those who either cannot or will not obtain a state-issued driver's license — or in other words, illegal immigrants. Set to go into effect next month, the ID program could cost up to \$2.86 million in the first three years, according to a County Clerk estimate. As it turns out, Newsom's aforementioned \$83,000 taxpayer-funded love letter to illegal immigrants was just the icing on the cake.

Supporters of San Francisco's **sanctuary** city policies, which include members of the local faith community who inspired the original ordinance, argue that the current approach is the only humane solution. In its 2007 pledge, the New **Sanctuary** Movement, describing immigration raids, stated that "We cannot in good conscience ignore such suffering and injustice." But where is the compassion for the injustice inflicted upon American citizens? Others argue that juvenile illegal immigrants deserve special treatment because they are minors. But this ignores the fact that criminal illegal immigrants and the drug cartels for whom some of them work, are aware of San Francisco's former **sanctuary** loophole and have taken to falsely claiming juvenile status as a result. Still, others argue that police departments need to work with illegal immigrants in the community in order to effectively tackle crime and that fears of deportation get in the way. But extending the current, chaotic state of affairs will only lead to further crime and misery, even for those within such communities.

While San Francisco's **sanctuary** city ordinance may have been well-intentioned, it has resulted in an untenable and anarchic situation that is taking its toll on city residents and surrounding counties alike. Providing **sanctuary** for law-breakers at the expense of law-

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abiding citizens is neither a compassionate nor a moral approach. The issue is not one of callousness towards illegal immigrants, but rather, the duty owed American citizens by their government. In some respects, every layer of the government has failed this test, but in this case, it's the local government that is absconding on its duties. And all San Francisco officials can seem to offer up is more of the same.

They don't call it the Wild West for nothing.

Cinnamon Stillwell is a San Francisco writer. She can be reached at cinnamonstillwell@yahoo.com. She also writes for the blog at campus-watch.org.

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8 crack dealers shielded by S.F. walk away

Jaxon Van Derbeken, Chronicle Staff Writer
Tuesday, July 1, 2008

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(06-30) 19:49 PDT San Francisco -- An effort by San Francisco to shield eight young Honduran crack dealers from federal immigration officials backfired when the youths escaped from Southern California group homes within days of their arrival, officials said Monday.

The walkaways are the latest in a string of embarrassments for city officials who are protecting illegal-immigrant drug dealers from federal authorities and possible deportation because of San Francisco's 1989 declaration that the city is a sanctuary for undocumented immigrants.

<< Related story: Feds probe S.F.'s immigrant shield >>

Until recently, San Francisco flew juvenile illegal immigrants convicted of drug crimes to their home countries rather than cooperate with the federal Immigration and Customs Enforcement agency, a practice that drew national attention when The Chronicle reported it Sunday.

When federal law enforcement authorities demanded that San Francisco halt the flights and began a criminal investigation, the city decided to house some of the dealers in long-term youth rehabilitation centers. Some of those centers are run by a nonprofit company called Silverlake Youth Services in mountain towns southeast of San Bernardino.

Eight Honduran juveniles who had been convicted of dealing drugs in San Francisco were sent within the past few weeks to the company's group homes, where one month's placement costs \$7,000 per youth - an expense borne by San Francisco taxpayers.

Within 10 days of being sent to the unlocked group homes, however, all eight youths ran away, said Bill Siffermann, head of juvenile probation in San Francisco. He said his agency has issued arrest warrants for them.

Siffermann said the city has stopped sending juvenile offenders to Silverlake because of the escapes. "We have now eliminated that as a prospect," he said, adding that San Francisco is trying to come up with an approach for handling the juveniles that does not involve giving them to federal immigration authorities.

San Bernardino County sheriff's Capt. Bart Gray said Silverlake had reported the Honduran youths as runaways - not as juvenile offenders. Three of the youths were listed as missing from Silverlake's Douglas House in the town of Yucaipa, 16 miles southeast of San

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Bernardino, on June 20 and two more on June 22, Gray said.

Juvenile probation officials say three other Honduran youths who had been convicted as juveniles in San Francisco disappeared from another Silverlake-run group home, but it was not immediately known which one.

Silverlake officials confirmed that the youths had vanished but would say nothing further, referring inquiries to San Francisco officials. Silverlake's operations officer, Jeff Boyd, said he was barred by law from commenting.

Fruit trees and farm animals

Silverlake's Web site says the company maintains 10 group homes that "exist for the sole purpose of providing a home environment and psychological health care for troubled youth. The focus of the program is to provide residents with the opportunity to gain effective control over their lives through the acquisition of rethinking skills and positive character growth."

The site adds that many of the group homes "have large lots and offer the opportunity for the residents to garden, tend to fruit trees and raise farm animals."

San Francisco sent the youths to the Southern California group homes after federal authorities demanded that they stop flying illegal immigrant juvenile offenders to their homeland without alerting immigration officials.

Turning the youths over to federal authorities for deportation could have resulted in their being legally barred from ever returning to the United States. Federal officials said the city's practice of returning the youths to their homeland to be reunited with their families did nothing to prevent drug-dealing juveniles from coming right back to the United States.

Illegal crossings

They also noted that it is a crime to help an illegal immigrant cross the border, even if it is to leave the country.

San Francisco officials countered that many of the youths were victims of drug dealers and that it wasn't fair to bar them from ever becoming citizens.

The eight youths who escaped from the San Bernardino County group homes were scheduled to be flown back to Honduras before city juvenile probation authorities halted the flights in May. They were not convicted of violent crimes, so they were ineligible to be sent to the California Youth Authority. San Francisco did not send them to the county's Log Cabin Ranch on the Peninsula for the same reason.

The eight were among dozens of young Honduran illegal immigrants who have been arrested in San Francisco in recent years for dealing drugs. Police said many of the Hondurans - some of whom they believe are actually adults - live communally in other local cities at the behest of drug lords, who finance their travel here and threaten to kill their families if they cooperate with law enforcement.

Officials say at least 22 illegal immigrants are being held at the city's juvenile hall.

San Francisco sent four illegal immigrant juvenile offenders from El Salvador and elsewhere to the Silverlake home in Yucaipa last year. All four escaped within three weeks, San Bernardino County authorities said.

County resentful

Undersheriff Richard Beemer said the practice of "dumping" youths in his county "is a huge concern."

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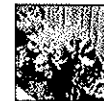


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"These are not youth placement facilities," Beemer said. "They are homes. They are not locked down."

The youths sent there are hundreds of miles from their probation officers in San Francisco, so "they end up being a problem in the community," Beemer said.

"This is in no way rehabilitating them," he said. "They are coming in and engaging in the same kind of conduct that got them sent down here."

Beemer added that "no community likes to have ex-felons. The same is true for juveniles who have committed felonies, who were engaged in criminal activity. We don't want them dumped in our community - they are not our responsibility."

'Imported' offenders

Gray, the sheriff's captain, said his community is besieged by "imported" offenders who take up an inordinate amount of his department's resources.

Lidia Stiglich, president of the San Francisco commission that oversees the Juvenile Probation Department, said she was working with the mayor's office and the probation department to decide what to do with offenders the city refuses to turn over to federal immigration authorities.

"Everyone is looking at the current policies," she said. She would not comment on the San Bernardino County escapes.

With flights home and cooperation with federal authorities ruled out and the Southern California group homes off the table, Siffermann said, "We're running out of options."

E-mail Jaxon Van Derbeken at jvanderbeken@sfchronicle.com.

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